

REMARKS

I. Status of the claims and Information Disclosure Statement

Claims 1-5 are pending. No claim is amended with this response.

The Information Disclosure Statement filed December 10, 2003 has been acknowledged and considered by the Examiner. Office Action, p. 2. Applicants thank the Examiner for indicating consideration of all cited documents by her initials on the PTO form 1449.

II. Rejection under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-5 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Korean Patent Abstract (from Korean Patent No. 2003-0005593) ("KR '593") in combination with Seo et al. (International Journal of Cosmetic Science, Vol. 24, pages 195-206 (2002))("Seo") and Byron et al. (U.S. Pat. No. 6,747,015)("Byron"). Office Action, p. 2-3.

The present application, however, bases its claim for priority on K2003-1286, having a filing date prior to the publication of KR '593. To remove KR '593 as a document that could be used as prior art, Applicants now perfect the foreign priority claim in accordance with M.P.E.P. § 201.15 and 37 C.F.R. § 1.55(a)(4). The present U.S. application (i.e., Application No. 10/730,920) is an English translation of the certified copy of KR 2003-1286, and enclosed is a statement that the instant U.S. application is an accurate translation of the certified copy of KR 2003-1286.

Additionally, Applicants note that U.S. Patent Publication 2003/0109490 (which is believed to be related to KR '593)("U.S. Pub '490") is not a 102(e)-type reference because both it and the instant application were assigned to the same company (Jakwang Co. LTD) at the time the instant application was filed. Thus, pursuant to 35 U.S.C. § 103(c), U.S. Pub '490 is excluded as a document that could be used as prior art in a 35 U.S.C. § 103(a) rejection.

Thus, for at least the aforementioned reasons, Applicants respectfully request withdrawal of this rejection.

III. Conclusion

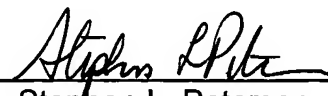
In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 26, 2005

By: 
Stephen L. Peterson
Reg. No. 26,325

Attachment:

- Statement that the instant U.S. application is an accurate translation of the certified copy of KR 2003-1286 (1 page)